

**FILED**

AUG 21 2023

1 April Monegas; Plaintiff in Propria Persona  
2 2104 E Anderson Ln., Apt. 1513  
3 Austin, TX 78752  
4 plafm@tutanota.com; 512-522-8983  
5 article no.: 7022 0410 0001 0908 9191

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**San Francisco Division**  
Phillip Burton Federal Building & United States Courthouse  
450 Golden Gate Avenue; San Francisco, CA 94102

7 SELINA KEENE, etal,  
8 PLAINTIFF,

9 v.

CASE NO. 22-cv-01587-JSW

10 CITY AND COUNTY OF SAN FRANCISCO  
11 DEFENDANT.  
12 \_\_\_\_\_ /

**NOTICE OF FILING**

14 April Monegas, the plaintiff in case 3:22-cv-04633 (JSW) against defendant City and County of  
15 San Francisco notices this court and all parties that she has filed an objection to consolidation because  
16 her legal theory and claims are distinct from the other plaintiffs, as the defendant has noted, and the  
17 instructions for consolidation are unintelligible, it increases the costs of litigation, prejudices her case  
18 and unfairly denies her access to the court. The objection has not received a ruling by the court.

19 Plaintiff April Monegas next filed a "Notice of refusal to comply or participate in  
20 consolidation". A true and correct copy of this notice is attached as exhibit A.

21 DATED this 15<sup>th</sup> day of August 2023.

22   
23 April Monegas; Plaintiff in Propria Persona  
24 2104 East Anderson Lane, Apt. 1513  
25 Austin, Texas 78752  
26 amonegas@gmail.com; (415) 802-9276

## **Exhibit A**

**filed copy of “Notice of refusal to comply or participate in consolidation”**

**FILED**

**JUL 31 2023**

CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

1 April Monegas; Plaintiff in *Propria Persona*  
2 2104 East Anderson Lane, Apt. 1513  
3 Austin, Texas 78752  
4 plafm@tutanota.com; 512-522-8983  
5 *article# : 7022 0410 0001 0408 9207*

6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**

8 **San Francisco Division**

9 Phillip Burton Federal Building & United States Courthouse  
10 450 Golden Gate Avenue; San Francisco, CA 94102

11 **APRIL MONEGAS,**  
12 **PLAINTIFF,**

13 **v.**

**CASE NO. 3:22-cv-04633 (JSW)**

14 **CITY AND COUNTY OF SAN FRANCISCO,**  
15 **DEFENDANT.**

16 **NOTICE OF REFUSAL TO COMPLY OR PARTICIPATE IN "LIMITED**  
17 **CONSOLIDATION"**

18 Plaintiff filed an opposition to defendant's proposed consolidation of cases which made clear  
19 that plaintiff opposes joining her case with other cases styled as "related vaccine cases" because of the  
20 extreme prejudice it would cause her case. Plaintiff's claims are not based on the same legal standards  
21 as the other plaintiffs (nor is her case a class action) who make claims under the California  
22 Constitution and state laws, whereas plaintiff has filed her claim under federal law (ADA). Plaintiff  
23 makes no claim that the defendant failed to accommodate a request for a "religious or medical  
24 exemption" because plaintiff claims that she has no legal obligation which could trigger requesting  
25 such an exemption and, further, that defendant has no legal duty to impose vaccines, thus it cannot  
26 "offer" an exemption where no legal duty exists. Plaintiff's case does not share the same standards of  
27 review, is based upon a different legal theory, and she does not make common allegations of law or  
28 facts with the other cases. This has been admitted by the defendant in its proposal of consolidation.<sup>1</sup>

<sup>1</sup> "each of the Related Vaccine Actions, with the exception of the *Monegas* Action, involves claims under Title VII of the Civil Rights Act against Defendant for allegedly failing to accommodate Plaintiffs' religious beliefs and/or for discriminating against Plaintiffs for their held religious beliefs." *Proposed Order granting Consolidation* p. 3

1 This is in stark contrast to Judge Jeffrey White erroneous conclusion that "The Court finds that  
 2 every one of the related cases involve overlapping factual issues regarding Defendant's COVID-19  
 3 vaccination policy and involve similar claims about the alleged failure of Defendant to accommodate  
 4 Plaintiffs' religious beliefs and/or medical conditions."<sup>2</sup>

5 The judge has also not responded or ruled on the plaintiff's filed Objection and Refusal of  
 6 consolidation. The docket sheet shows that the defendant has a reply due on July 30<sup>th</sup> and then, it is  
 7 presumed that the Judge will review all the plaintiffs' objections (of which there are many) as a neutral  
 8 arbiter without prejudice. Plaintiff reminds the court that "conserving the resources of the court" is not  
 9 a legal argument and does not overcome any of plaintiff's valid objections.

10 Plaintiff received an Order<sup>3</sup> instructing her to begin a multi-case discovery process in which  
 11 she is, without proper consideration of her valid opposition, instructed to serve her discovery materials  
 12 on all parties which include her private employment records, commit to one schedule for all parties  
 13 and attend multi-party hearings with the Magistrate Judge, provide copies of her discovery and  
 14 depositions to all parties, and to file all her documents into the docket sheet of another case. Monegas  
 15 is proceeding *pro se* and has already spent countless hours researching and responding to defendant  
 16 under the parameters of her claims. This "limited consolidation" exponentially increases the costs of  
 17 plaintiff's litigation; invades her privacy; exponentially increases her filing burdens as a *pro se* as she  
 18 is now expected to wade through a docket with multiple parties, respond to multi-party filings, and  
 19 submit multi-party briefs which all have the same due date and multi-party service requirements; and  
 20 she is expected to assume these additional burdens even though the Judge has not yet rendered a  
 21 decision on her specific objections! This is intolerable, and plaintiff refuses to participate in this gross,  
 22 complicated and transparent ruse of the court to deny the plaintiff access to the law.

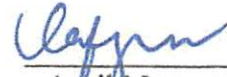
23 In conclusion, the Court is hereby placed on notice and advised that plaintiff April Monegas  
 24 will not participate in the consolidated case schedule. For the reasons stated herein, namely that her  
 25 objection has yet to be replied to by the moving party or ruled on by the court which is effectively  
 26 ignoring Monegas' objections. This consolidation proposal is designed to make Monegas' case more  
 27 complicated than is humanly possible to comprehend and is a ruse to deny her access to the court. The  
 28 court itself is collaborating with the executive branch of the local government to deny people access to  
 their rights and remedies in the law.

<sup>2</sup> Order granting limited consolidation of related matters, July 12, 2023, p. 3.

<sup>3</sup> Order granting limited consolidation of related matters, July 12, 2023

1 The plaintiff certifies that this notice is made in good faith; for the purposes of justice and  
2 equity; that no party will suffer any substantial prejudice, the notice is not intended for the purpose of  
3 harassment or to cause unnecessary delay or increase in the costs of litigation.

4 DATED this 27<sup>th</sup> day of June, 2023.

5 

6 April Monegas, Plaintiff



1 April Monegas; Plaintiff in *Propria Persona*  
2 2104 East Anderson Lane, Apt. 1513  
3 Austin, Texas 78752  
4 plafm@tutanota.com; 512-522-8983

5  
6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**  
8 **San Francisco Division**

Phillip Burton Federal Building & United States Courthouse  
450 Golden Gate Avenue; San Francisco, CA 94102

9 APRIL MONEGAS,  
10 PLAINTIFF,

11 v.

CASE NO. 3:22-cv-04633 (JSW)

12 CITY AND COUNTY OF SAN FRANCISCO,  
13 DEFENDANT.

14  
15 **CERTIFICATE OF SERVICE**

16 I, April Monegas, hereby certify that a true and correct copy of the foregoing Notice of non-  
17 compliance was duly served upon the defendant's attorney, Peter A. Cowman, at the address of 1390  
18 Market Street, 5th Floor, San Francisco, CA 94102, via first class mail on this 27<sup>th</sup> day of July, 2023.

19 I, April Monegas, hereby certify that a true and correct copy of the foregoing Opposition and  
20 refusal to consolidate was duly served upon the defendant's additional attorney, Coby Marie Turner,  
21 at the address of 400 Capitol Mall, Suite 2350, Sacramento, CA 95814, via first class mail on this 27<sup>th</sup>  
22 day of July, 2023.

23 By:   
24  
25  
26  
27  
28

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **NORTHERN DISTRICT OF CALIFORNIA**  
3                                   **San Francisco Division**  
4                                   Phillip Burton Federal Building & United States Courthouse  
5                                   450 Golden Gate Avenue; San Francisco, CA 94102

6                   SELINA KEENE, etal,  
7                   PLAINTIFF,

8                   v.

CASE NO. 22-cv-01587-JSW

9                   CITY AND COUNTY OF SAN FRANCISCO  
10                  DEFENDANT.

11  
12                                   **CERTIFICATE OF SERVICE**

13                   I, April Monegas, hereby certify that a true and correct copy of the foregoing Notice of Filing  
14                   was duly served upon the defendant's attorney, Peter A. Cownan, at the address of 1390 Market Street,  
15                   5th Floor, San Francisco, CA 94102, via first class mail on this 15<sup>th</sup> day of August, 2023.

16                   I, April Monegas, hereby certify that a true and correct copy of the foregoing Notice of filing  
17                   was duly served upon the defendant's additional attorney, Coby Marie Turner, at the address of 400  
18                   Capitol Mall, Suite 2350, Sacramento, CA 95814, via first class mail on this 15<sup>th</sup> day of August 2023.

19                   By: AM